THE HON'BLE MR JUSTICE J.CHELAMESWAR
AND
THE HON'BLE MR JUSTICE D. APPA RAO

WRIT PETITION No: 13789 of 2006

Dated: 07.07.2006

Between:

Mega 70 MM Theatre,
Rep., by its Managing Partner
K.C. Prakash Rao.

..... PETITIONER

AND

The Entertainment Tax Officer & another.

.....RESPONDENTS

THE HON'BLE MR JUSTICE J.CHELAMESWAR
AND
THE HON'BLE MR JUSTICE D. APPA RAO

WRIT PETITION No: 13789 of 2006

ORDER:- (PER THE HONOURABLE JC,J)

This writ petition is filed with a prayer as follows:

"..... Hon'ble Court may be pleased to issue a writ, order or direction more

particularly one in the nature of writ of Mandamus, permitting the petitioner to pay the differential entertainment tax demanded by the respondent in a sum of Rs.5,37,793/- in equal monthly instalment of Rs.50,000/- each payable from July, 2006 and further direct the respondent not to take any coercive steps against the petitioner for recovery of the differential Entertainment Tax Arrears subject to payment of tax in instalments by the petitioner and to grant such other relief or reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case."

The petitioner firm is running a cinema theatre in Gaddiannaram, which was initially a panchayat. Later on, it was upgraded as Grade-II Municipality and further upgraded as Grade-I Municipality on 02.04.2005. In view of the upgradation, the Municipality issued notice to the petitioner to pay the Entertainment Tax at higher rate. Questioning the said notice, the petitioner and others earlier approached this Court by way of W.P.No.3108 of 2004, which is still said to be pending. He states in the affidavit filed in support of the writ petition that initially there was a stay of collection of the enhanced amount of the Entertainment Tax, which was vacated on 17.04.2006. Pursuant to the vacation of the interim orders, it appears that again the respondents issued demand notice for recovery of the abovementioned amount. Hence, the present writ petition.

Learned counsel for the petitioner placed an earlier order of this Court passed by a Division Bench in WP.No.10542 of 2006, where in almost similar circumstances this Court thought it fit to dispose of the writ petition granting some instalments to the petitioner therein.

Heard the learned Government Pleader.

In the circumstances, we are of the opinion that the ends of justice would met in this case by disposing of the writ petition at the admission stage directing the respondents not to initiate coercive steps for recovery of the difference of the tax referred to earlier on condition, the petitioner pays the entire amount of the difference amount of tax in four equal monthly instalments and the first of which shall fall due on 20.07.2006 and the remaining instalments on the 20th of every succeeding month. Default in compliance with the direction, on the part of the petitioner, would enable the respondents to take necessary action for recovery of the amount in accordance with law. No orders as to costs.

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J.CHELAMESWAR, J

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D. APPA RAO, J

Date: 07.07.2006
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